IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1419 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/06/2004 in WP No. 8433 OF 2000 on the file of the High Court.)

Between:

Velpula Akkamma, w/o V.Pedda Narsimhulu,
r/o Chinnarasupalli, H/o Padamatikona Village,
Chinnamandem Mandal, Cuddapah District.

..... APPELLANT

AND

1 The District Collector, Cuddapah, Cuddapah District.
2 The Joint Collector, Cuddapah, Cuddapah District.
3 The Revenue Divisional Officer, Cuddapah, Cuddapah District.
4 The Mandal Revenue Officer, Chinnamandem, Chinnamandem Mandal, Cuddapah District.
5 Smt.Geetha Yadav, w/o Remanjaneyulu,
r/o Chinnarasupalli, H/o Padamatikona Village, Chinnamandem Mandal, Cuddapah District.

.....RESPONDENTS

Counsel for the Appellant:Mr.V.R.REDDY KOVVURI

Counsel for Respondents 1 to 4: G.P. for Civil Supplies.

Counsel for Respondent No.5: Mr.A.Prabhakar Sharma

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Selection of the appellant as fair price shop dealer of Chinnarasupalli was questioned in appeal by 5th respondent, and, one of the grounds was that appellant had produced false educational qualification certificate. There were other grounds of challenge also. Appellate authority, in order to be prima facie satisfied about the educational qualifications, simply subjected the appellant to the test of writing her address and observed that she was unable to write her address, and, thus, found some substance in the statement of the 5th respondent that educational qualification certificate appears to be doubtful, and, on that basis proceeded to pass an order allowing the appeal with direction to Revenue Divisional Officer to re-notify the vacancy of fair price shop dealership by calling for the applications afresh and conduct interview etc. and select suitable candidates as per the guidelines and procedure prescribed by the Government. This order was challenged by the appellant in Revision to the District Collector. The appellant did not question the fact that she has been subjected to some sort of test to find out her ability to write correctly. Revisional authority also found that the course of action adopted by the Joint Collector was appropriate and no better evidence could have been directly accessible to him, and, it was not necessary to have gone into the fact as to whether or not the certificate, in fact, was genuine. The learned Single Judge confirmed the said order and dismissed the Writ Petition. Challenge is to the said order.

We have heard the learned counsel for the parties, and, do not find any ground to interfere with the orders passed which give equal opportunity to the appellant to apply pursuant to the fresh notification calling for applications and subject herself to interview etc. The Writ Appeal, therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

14.09.2004.

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C.V.RAMULU, J.

VR.

To

1.The District Collector, Cuddapah, Cuddapah District.
2.The Joint Collector, Cuddapah, Cuddapah District.
3.The Revenue Divisional Officer, Cuddapah, Cuddapah District.
4.The Mandal Revenue Officer, Chinnamandem, Chinnamandem Mandal, Cuddapah District.

5. Two CCs to Govt. Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT).

6. Two CD copies.